

OPINION 877

PHELSUMA ORNATUM GRAY, 1825 (REPTILIA): REFUSAL TO SUPPRESS UNDER THE PLENARY POWERS

RULING.—The use of the plenary powers to suppress the specific name *ornatum* Gray, 1825, as published in the binomen *Phelsuma ornatum*, is hereby refused.

HISTORY OF THE CASE (Z.N.(S.) 1752)

The present case was submitted to the office of the Commission by Prof. Dr. R. Mertens in March 1966. Prof. Mertens' application was sent to the printer on 22 April 1966 and was published on 16 October 1966 in *Bull. zool. Nomencl.* **23** : 176–177. Public Notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* **21** : 184) and to two specialist serials. The proposals were supported by Prof. Hobart M. Smith and opposed by the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists (*Bull. zool. Nomencl.* **24** : 208).

DECISION OF THE COMMISSION

On 12 June 1968 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (68)20 either for or against the proposals set out in *Bull. zool. Nomencl.* **23** : 176. At the close of the prescribed voting period on 12 September 1968 the state of the voting was as follows:

Affirmative votes—six (6), received in the following order: China, Melville, Uchida, Simpson, Ride, Brinck.

Negative votes—fourteen (14): Holthuis, do Amaral, Lemche, Tortonese, Starobogatov, Eisenmann, Obruchev, Jaczewski, Vokes, Forest, Binder, Alvarado, Sabrosky, Munroe.

Voting papers not returned—one (1): Evans.

Profs. Bonnet and Mertens returned late affirmative votes, and Dr. Kraus returned a late negative vote.

In returning his voting paper Dr. Binder made the following comment: "Article 23b does not apply: *Phelsuma ornatum* is not a *nomen oblitum* since it was not an unused senior synonym for more than fifty years. The synonymy is essential, because the purpose of this article is to save names of long and constant usage."

CERTIFICATE

We certify that the votes cast on Voting Paper (68)20 were cast as set out above, that the proposal contained in that Voting Paper has not been adopted,

and that the decision so taken, being the decision of the Commission, is truly recorded in the present Opinion No. 877.

R. V. MELVILLE

Secretary

W. E. CHINA

Assistant Secretary

International Commission on Zoological Nomenclature

London

22 January 1969